

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9944 OF 2014

ORDER:

This Criminal Petition is filed by the petitioners/A3 and A4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.582 of 2012 on the file of I Additional Chief Metropolitan Magistrate, Vijayawada, in connection with Crime No.52 of 2007 of S.N.Puram Police Station, Vijayawada, for the offence punishable under Sections 120(B), 420, 465, 467, 468, 471 r/w 34 I.P.C.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Andhra Pradesh) for the State before notice to respondent No.2/*de facto* complainant and before admission.

Perused the material on record. The petitioners contend that the name of A3 as mentioned in the charge sheet is not tallying fully but father's name is tallying and address is also not tallying; so far as 2nd petitioner/A4 is concerned, father's name of A4 covers partly and the address is also not tallying, which is the same address mentioned as of A3. Hence, it is for the petitioners if at all to dispute their identity but for that, when the petitioners claim that they are not concerned with the charge sheet, they cannot seek to quash charge sheet proceedings. The proper remedy available to the petitioners is to move for anticipatory bail saying even they are not concerned with, they apprehend arrest by wrong identity, it is for the prosecution agency to secure the so called named accused in the charge sheet. So far as other merits are concerned even as observed

above, the material falls short to admit the application under Section 482 Cr.P.C., this Criminal Petition is disposed of giving liberty to the petitioners if at all they identified themselves as A3 and A4, they can file application under Section 239 Cr.P.C. for discharge or to invoke other remedies if any, including Rule 37 of Criminal Rules of Practice to represent one or some of accused for others.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 19-06-2015

pab